

Ontario Government Proposal Will Prohibit an Employer from Requiring a Sick Note to Access Statutory Sick Leave

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The *Employment Standards Act, 2000* (“ESA”)¹ provides most employees with three days of unpaid sick leave each calendar year. An employee can access this ESA sick leave after they have been employed by an employer for two consecutive weeks. It can be used for personal illness, injury, or medical emergency.

Currently, an employer may require an employee to provide a medical note from a health practitioner for sick leave if it is “reasonable in the circumstances.”

On April 24, 2024, the Government of Ontario announced in a [press release](#) its proposal to prohibit an employer from requiring an employee to provide a sick note to access ESA sick leave.² An employer would maintain the ability to require reasonable evidence an employee was sick, such as an attestation.

This proposal only relates to ESA sick leave. The proposal does not alter an employer’s ability to request a sick note for other purposes, such as managing sick time in excess of the three days of ESA sick leave, or for a disability related accommodation request.

This change is meant to reduce the administrative burden on family doctors in the province.

To learn more and for assistance, contact your Sherrard Kuzz lawyer or info@sherrardkuzz.com.

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¹ SO 2000, c 41.

² Government of Ontario, “Ontario Helping Family Doctors Put Patients before Paperwork” (24 Apr 2024).